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In re Application of  
Garrett N. FORD  
Application No. 10/755,984  
Filed: January 13, 2004  
Attorney Docket No.: 122142.00009

ON PETITION

This is a decision on the petition filed August 23, 2006, and resubmitted August 29, 2006, under 37 CFR 1.181(a)(3) requesting that the Director exercise his supervisory authority and overturn the decision of the Director, Technology Center 3600 (Technology Center Director), dated July 21, 2006, which refused to either withdraw the finality of the Office action mailed January 10, 2006, or compel the entry of the amendment after final filed March 10, 2006.

The petition to overturn the decision of the Technology Center Director dated July 21, 2006, is **DISMISSED AS MOOT**.

**BACKGROUND**

On February 24, 2005 a non-final Office action was mailed.

On March 25, 2005 a response was filed.

On June 10, 2005 a final Office action was mailed.

On September 6, 2005 a Notice of Appeal was filed.

On October 28, 2005 an Appeal Brief was filed.

On January 10, 2006 a final Office action was mailed.

On March 10, 2006 an amendment after final rejection was filed.

On March 20, 2006 an Advisory Action was mailed.

On May 2, 2006 a petition to withdraw the finality of the final Office action was filed.

On May 5, 2006 a Notice of Appeal was filed.

On June 19, 2006 an Appeal Brief was filed.

On July 21, 2006 a decision dismissing the petition was mailed.

On August 23, 2006 the instant petition was filed.

On September 6, 2006 an Examiner's Answer was mailed and in view of the introduction of a new ground of rejection gave petitioner the option of reopening prosecution or maintaining the appeal.

On October 26, 2006 petitioner requested that prosecution be reopened pursuant to 37 CFR 41.39(b)(1).

### **DECISION**

The prosecution of the instant application indicates that petitioner has requested, under 37 CFR 41.39(b)(1), that prosecution on the merits be reopened. Accordingly, petitioner's request to withdraw the finality of the January 10, 2006 Office action is moot.

This application file is being forwarded to Technology Center 3600 for further processing.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099.

A handwritten signature in black ink, appearing to read 'Charles Pearson', followed by a long horizontal line extending to the right.

Charles Pearson  
Director, Office of Petitions